

REMARKS/ARGUMENTS

The final Office Action of November 9, 2009, has been reviewed and these remarks are responsive thereto. Claims 1, 33, 49, 58, and 68 have been amended, no claims have been canceled, and no new claims have been added. No new matter has been introduced. The present paper is believed to place the application in condition for allowance, and entry after final is respectfully requested.

Allowable Subject Matter

Applicants acknowledge with appreciation the indication that the application contains allowable subject matter. Specifically, the Examiner indicated that claim 68 is allowable. Claim 68 has been amended to correct a typographical error, and is still believed allowable. For reasons explained in more detail below, Applicants believe that the additional pending claims are allowable as well.

Summary of Telephonic Examiner Interview

Applicants thank Examiner Richer for the telephonic interview of January 21, 2010, with the Applicants' undersigned representative. This section, along with the remainder of this paper, provides the requisite interview summary required by 37 C.F.R. § 1.133.

During the interview, the following was discussed:

- **Issue 1**: With respect to the rejections of claims 58 and 59 under 35 U.S.C. § 101, Applicants argued that the recited claims are directed to statutory subject matter, and that the preamble of these claims does not warrant rejection.
- **Outcome**: Agreement was not reached as to whether claims 58 and 59 are directed to statutory subject matter. Applicants agreed to research the issue and submit further arguments with their next filing (see below), and the Examiner agreed to review the issue in consideration of Applicants' response.
- **Issue 2**: With respect to independent claim 68 the Examiner indicated that this claim was deemed allowable based on the feature of "displaying [a] list of selectable options," and the related features.

- **Outcome:** The Examiner and the Applicants' representative agreed that these features were not disclosed or suggested by any of Deo, Vuoristo, Smith, Tran, and Beaton. The Examiner agreed to include the reasons for allowance of claim 68 in the Interview Summary.

Rejections Under 35 U.S.C. § 101

Claims 58 and 59 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants respectfully traverse.

Claims 58 and 59 are directed to, “[A] memory having stored therein executable instructions which, when executed on a communication terminal, perform a method comprising...” The Office Action alleges on page 2 that claim 58 is non-statutory because “[t]he claim recites a memory storing instructions, not a computer-readable medium.” Applicants disagree. A memory storing instructions that are executable on a communication terminal is, in fact, a computer-readable medium. There is no requirement in the MPEP, 37 C.F.R., or 35 U.S.C., that a computer-readable medium claim must recite the exact words, “a computer-readable medium.” In fact, the MPEP section relied-upon by the Office, MPEP § 2106.01, cites to *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994), in which the claims held statutory by the Federal Circuit also did not use the words “computer-readable medium.” The claims at issue in *Lowry* were directed to, “[a] memory for storing data for access by an application program being executed on a data processing system.” Accordingly, reconsideration and withdrawal of the rejections of claims 58 and 59 under 35 U.S.C. § 101 is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 6, 7, 11, 33, 34, 38, 39, 49, 53, 55, 57-59, 63, and 67 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,973,612 (Deo) in view of U.S. Patent No. 6,603,969 (Vuoristo). Claims 4, 8, 36, 46, 48, 50, and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of Vuoristo, and further in view of U.S. Patent No. 6,226,367 (Smith). Claims 5, 9, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of Vuoristo, and further in view of U.S. Patent No.

7,158,805 (Park). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of Vuoristo, and further in view of U.S. Patent Appl. Pub. No. 2002/0069220 (Tran). Claims 60-62 and 64-66 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of U.S. Patent No. 6,442,263 (Beaton). Applicants respectfully traverse for at least the following reasons.

Independent claims 1, 33, and 58 have been amended to incorporate the following features of allowed claim 68:

displaying on the communication terminal a list of selectable options comprising at least a first option to save the received profile message, a second option to discard the received profile message, and a third option to review the plurality of profile fields in the received profile message,
wherein upon receiving a user input selecting the second option the communication terminal is configured to allow a user to elect not to store one or more of the received plurality of profile fields in the memory of the communication terminal, and
wherein upon receiving a user input selecting the third option the communication terminal is configured to allow a user to play a ringing tone received with the profile message and to view a graphic received with the profile message;

As discussed during the telephone interview of January 21, 2010, the Examiner and the Applicants' undersigned representative agree that these features are not disclosed or suggested by any of Deo, Vuoristo, Smith, Tran, and Beaton, alone or in combination. For example, Deo only discloses transmitting sender preferences to a recipient which are combined with recipient preferences and used to determine the manner in which the recipient is notified of a incoming notification from the sender. (Deo, col. 2, lines 29-56) Smith and Beaton describe transmitting electronic business cards (EBCs) containing simple user contact information (e.g., name, phone number, address, email address). (Smith, col. 8, lines 9-64) Vuoristo describes transmitting information about a "service profile" to allowing users to obtain subscriber service information (e.g., call forwarding, voicemail, fax, and email profiles). (Vuoristo, FIG. 2; col. 8, lines 35-54) Since none of the cited references discloses transmitting a "user profile" as recited in claims 1, 33, and 58, none of the cited references teaches or suggests displaying an "option to discard" including "elect[ing] not to store one or more of the received plurality of profile fields," or an "option to review" including "allow[ing] a user to play a ringing tone received with the profile

message and to view a graphic received with the profile message.” Accordingly, amended claims 1, 33, and 58 are not obvious over the cited references for at least these reasons.

Dependent claims 2, 4-11, 34, 36-39, 46, 49-50, 52, 53, 55, 57, and 59-67 are also not obvious over the cited references for at least the same reasons as their respective base claims, as well as based on the additional patentable features recited therein. For example, claims 2, 34, 53, and 59, recite wherein the received plurality of profile fields includes “at least one graphical picture.” Claim 8 recites, “providing a display on the communication terminal allowing the user to discard one or more of the terminal operating characteristics from a received profile message after inspecting the plurality of profile fields included in the profile message.” Claim 52 recites “allow[ing] the user to discard one or more of the received plurality of profile fields from the received profile message before configuring the apparatus to operate according to the received plurality of profile fields in the message.” Claims 60-62 and 64-66 recite additional features relating to receiving a profile message as one or more SMS messages. Additionally, claims 63 and 67 recite, “wherein the plurality of profile fields comprises a first field having a first field identifier corresponding to a first data type, and a second field having a second field identifier corresponding to a second different data type.” Applicants maintain that each of these dependent claims is allowable for the reasons discussed above, as well as the additional reasons previously discussed in the Amendment dated July 2, 2009, and/or the Amendment dated October 30, 2009.

(Conclusion and signature block follow on next page)

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

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Dated this 2nd day of February, 2010

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